

Message

From: Oakes, Matthew (ENRD) [Matthew.Oakes@usdoj.gov]
Sent: 11/6/2019 3:03:03 PM
To: Koch, Erin [Koch.Erin@epa.gov]; Perlis, Robert [Perlis.Robert@epa.gov]
CC: Neumann, Jennifer Scheller (ENRD) [Jennifer.Neumann@usdoj.gov]
Subject: FW: Hardeman v. Monsanto SG memo (FIFRA preemption)

Hi Erin and Bob,

A few questions related to an ongoing discussion with our front office:

Ex. 5 AC/AWP/DP

My questions: Does EPA require cancer warnings? Does it approve them, though not require them? Is there any probative value to the fact that EPA **DID NOT** require a cancer warning on the glyphosate label, or is that just EPA's standard approach?

I'm likely to have other questions as this discussion continues, and I appreciate your help with this.

Thanks,

Matt

From: Brightbill, Jonathan (ENRD) <JBrightbil@ENRD.USDOJ.GOV>
Sent: Wednesday, November 6, 2019 9:25 AM
To: Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>
Cc: Kilbourne, Jim (ENRD) <JKilbourne@ENRD.USDOJ.GOV>; Grant, Eric (ENRD) <EGrant@ENRD.USDOJ.GOV>; Oakes, Matthew (ENRD) <MOakes@ENRD.USDOJ.GOV>
Subject: Re: Hardeman v. Monsanto SG memo (FIFRA preemption)

First, just want to make sure we are on the same page about one fact. Is it your understanding that EPA *never* approves label components bearing cancer warnings?

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Jonathan D. Brightbill

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On Nov 6, 2019, at 7:45 AM, Neumann, Jennifer Scheller (ENRD) <JNeumann@enrd.usdoj.gov> wrote:

Taking Jeff off.

I agree with moving this on to Jeff in the interest of time.

I will look at the text after the Maui argument but I offer two clarification's now.

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If any of the text needs adjusting, we will let you know

Sent from my iPhone

On Nov 5, 2019, at 10:30 PM, Brightbill, Jonathan (ENRD) <JBrightbil@enrd.usdoj.gov> wrote:

Jeff,

Attached is the memo to OSG recommending amicus in the Monsanto FIFRA preemption case. Note that there are some issues we are discussing with EPA and among ourselves on the margins. But in the interest of time, we want to get this to you. We look forward to any comments or questions.

Thank you,
Jon

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<Hardeman_Monsanto_SG_Memo ver1105.docx>